

FIRST REGULAR SESSION

SENATE BILL NO. 34

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILSON.

Pre-filed December 1, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0055S.011

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to eligibility for food stamps.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be known as section 208.247, to read as follows:

208.247. 1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an individual who has pled guilty to or is found guilty under federal or state law of a felony involving possession or use of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits for such convictions, if such person, as determined by the department:

(1) Is currently successfully participating in a substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health;

(2) Is currently accepted for treatment in and participating in a substance abuse treatment program approved by the division of alcohol and drug abuse, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity;

(3) Has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug abuse;

(4) Is determined by a division of alcohol and drug abuse certified treatment provider not to need substance abuse treatment; or

(5) Is successfully complying with, or has already complied with,

22 all obligations imposed by the court, the division of alcohol and drug
23 abuse and the division of probation and parole; and

24 (6) Is subject to random drug testing, as coordinated by the
25 department of social services. Following any positive test for a
26 controlled substance, except for the prescribed use of methadone by a
27 person who is actively participating in a drug treatment program or
28 when such controlled substance was prescribed for such person by a
29 licensed health care provider, such person shall be permanently
30 disqualified from the food stamp program.

31 2. Eligibility based upon the factors in subsection 1 of this
32 section shall be based upon documentary or other evidence satisfactory
33 to the department of social services, and the applicant must meet all
34 other factors for program eligibility.

35 3. The department of social services, in consultation with the
36 division of alcohol and drug abuse, shall promulgate rules to carry out
37 the provisions of this section, including specifying criteria for
38 determining active participation in and completion of a substance
39 abuse treatment program.

Bill

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